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Chairman: Mr. Wenaweser ..... (Liechtenstein)

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The meeting was called to order at 3.10 p.m.

Agenda item 105: Promotion and protection of the rights of children (*continued*) (A/C.3/57/L.25)

Draft resolution A/C.3/57/L.25: "Rights of the child"

1. **Ms. Sereno** (Uruguay), speaking on behalf of the Group of Latin American and Caribbean States and the European Union, introduced the draft resolution and stated that Andorra, Australia, Austria, Bangladesh, Bhutan, Cameroon, Cape Verde, China, Congo, Croatia, Cyprus, Czech Republic, Estonia, Hungary, Iceland, Kyrgyzstan, Lithuania, Monaco, Namibia, Nigeria, Poland, Republic of Moldova, Romania, San Marino, Slovakia, the Former Yugoslav Republic of Macedonia, Ukraine, United Republic of Tanzania and Viet Nam had also become sponsors. The draft resolution was general in nature. Some new material had been added, including the items contained in the outcome document of the twenty-seventh special session of the General Assembly, which had been held the previous May. Consultations on the draft resolution were still taking place, and a revised text reflecting the results of those consultations would be presented in due course.

2. **The Chairman** said that Armenia, Azerbaijan, Benin, Burkina Faso, Cameroon, Indonesia, Kazakhstan, Liberia, Liechtenstein, Malawi, Mali, Mongolia, Namibia, Nigeria, Slovakia and Switzerland had also become sponsors.

Agenda item 109: Human rights questions (*continued*)

(a) Implementation of human rights instruments (*continued*) (A/C.3/57/L.30)

Draft resolution A/C.3/57/L.30: "Optional Protocol to the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment"

3. **Mr. Stagno** (Costa Rica) introduced the draft resolution on behalf of the sponsors, and stated that Antigua and Barbuda, Mongolia and East Timor had also become sponsors. In adopting the draft resolution, the Committee would officially be adopting an Optional Protocol to the Convention Against Torture which established an active mechanism for monitoring places of detention. That mechanism would be made up of a new Subcommittee on Prevention of Torture and national prevention mechanisms which would undertake periodic visits to places of detention in States parties to the Protocol. The Protocol was one of a new generation of human rights instruments that were designed to encourage co-operation between States, rather than confrontation.

4. Some delegations had found it regrettable that neither the Commission on Human Rights nor the Economic and Social Council had adopted the Optional Protocol by consensus. His delegation, too, would have preferred to reach a consensus, but it had no doubt that the text currently before the Committee, which was the product of protracted, exhaustive discussion, was the best possible agreement. The draft resolution had attracted progressively larger majority support every time it had been put to a vote. Consequently, the time had come to listen to a majority of the international community, which wished to establish an effective mechanism for preventing torture.

5. **The Chairman** said that Liberia had also become a sponsor of the draft resolution.

6. **Mr. Tomoshige** (Japan) said that it was unfortunate that there still had been no open-ended unofficial consultations on the draft resolution, despite the fact that some delegations had asked the sponsors to hold such consultations. In view of the fact that the Member States were creating a new human rights instrument, it was essential for all relevant issues to be considered transparently and openly. His delegation again asked the sponsors to organize unofficial consultations, and, in accordance with rule 153 of the General Assembly's Rules of Procedure, asked the Secretary-General, through the Chairman of the Committee, to report on the implications of the draft resolution for the programme budget. That was the usual practice when a new human rights instrument was developed, as, for example, when the Committee had adopted the Convention on the Rights of the Child and the International Convention on the Rights of Migratory Workers and their Families.

7. **Mr. Gaffney** (United States of America) expressed support for the position of the Japanese delegation. The Committee should be informed about the financial impact of the Optional Protocol, which in the view of his delegation was likely to be substantial.

8. **Ms. Taracena Secaira** (Guatemala) directed the Committee's attention to the omission of the words "to

the General Assembly" in the fourth preambular paragraph of the Spanish-language version of the draft resolution.

9. **The Chairman** invited the Committee to resume its general debate on agenda item 109 (a), and stated that at least one delegation would be speaking to agenda item 109 (d) as well.

10. **Ms. Ouedraogo** (Burkina Faso) said that, with reference to agenda item 109 (a), her delegation supported the universal ratification of human rights instruments, in accordance with the Vienna Declaration and Programme of Action. Burkina Faso was a party to the six core human rights instruments and was considering the possibility of ratifying the protocols to several of them. Despite the country's difficult social and economic situation, the Government was doing its utmost to fulfil its commitments concerning the implementation of human rights instruments and reporting thereon to the competent bodies. It had recently submitted its second periodic report to the Committee on the Rights of the Child.

11. Her delegation welcomed the first inter-committee meeting of treaty bodies on the submission of reports, and endorsed its conclusions and recommendations. Meetings of that kind fostered the strengthening, harmonization and improvement of the working methods of the organizations in question, which could learn valuable lessons from the way the Committee on the Rights of the Child functioned.

12. Her delegation supported the draft resolution on the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and wished to emphasize that the issue of funding should not be allowed to stand in the way of the implementation of the mechanism contemplated in the Protocol.

13. **Mr. Kumar Panja** (India) said that the adoption of the Vienna Declaration and Programme of Action had been an important milestone in the field of human rights and embodied the broadest possible consensus on human rights that the international community had achieved since the adoption of the Universal Declaration of Human Rights. The year 2003 would mark the tenth anniversary of the adoption of the Vienna Declaration. In the intervening years, substantial progress had been made. In India, greater recognition and awareness of human rights had been achieved as a result of widespread participation in democratic processes and greater autonomy for all groups in society. The Vienna Declaration acknowledged that democracy, development and human rights were interdependent and mutually reinforcing. Unfortunately, international discussion of human rights continued to be marred by perceptions of selectiveness, double standards and the politicization of human rights for petty, self-serving purposes. The promotion and protection of human rights and fundamental freedoms were incumbent upon the entire international community. As the ten-year review of the Vienna Declaration and Programme of Action approached, it was essential to work harder than ever to attain their objectives and promote confidence in the effort to achieve international co-operation.

14. The Secretary-General was to be commended for the reports on agenda item 109 (a) that had been presented to the Committee, but it was unfortunate that not all of them had been made available in a timely manner. It was essential for reports to be distributed early enough to ensure that delegations had time to consider them and formulate comments on them. With respect to the effort to enable human rights treaty bodies to function more effectively, any measures to that end should be adopted on a co-ordinated basis. His delegation hoped that, in line with the United Nations tradition of seeking consensus on important matters, the Member States would reach agreement on the question of how those treaty bodies could be helped to function more effectively.

15. In the current debate over human rights, marked as it was by the horrors of terrorism, it would be folly to overlook the fundamental human right, namely, the right to life. Other rights would be worth but little if States did not protect that most basic right of their citizens.

16. **Mr. Choi** (Australia), speaking on behalf of Australia, Canada, Chile, Norway and New Zealand, said that the work of the human rights treaty bodies in monitoring States parties' fulfilment of their obligations under the six core human rights instruments was a fundamental pillar of the system of promotion and protection of human rights. None the less, as progress was made toward the goal of universal ratification, the many challenges that were eroding the effectiveness of the system would inevitably increase. Hence the importance of the Secretary-General's report on the strengthening of the United Nations (A/57/387), which pointed to the growing complexity of the human

rights machinery and the strain of reporting obligations on States and the Secretariat. The procedure was in need of improvement, and there was much that States Parties, the treaty bodies, the Office of the United Nations High Commissioner for Human Rights and other components of the system could do to improve it. The committees themselves were adopting a more proactive approach to improving their working methods, and several treaty bodies had begun to hold open forums with States parties. It would be desirable for all the committees to hold such meetings on a yearly basis, over and above the regular annual meeting with the treaty body chairs. Noteworthy progress on co-ordination had been made in 2002. In June, for example, the first Inter-Committee Meeting of treaty bodies had been held, with the support of the Secretariat; the participants had considered the benefits of a more co-ordinated and consistent approach to rules of procedure, working methods, scheduling of reports and dialogues, practices to be followed for non-reporting States, general comments and concluding observations. Such changes would streamline the system and make the best possible use of limited resources. The decision to organize a second inter-committee meeting in 2004 was therefore to be welcomed, as was the recent enhancement of interaction between the treaty bodies and special rapporteurs, which should be pursued on a regular basis. Efforts by the Secretariat to improve co-ordination between the treaty bodies, States and the Department of Public Information should be encouraged.

17. States parties could also contribute to making the system work better. In June 2002, in Geneva, the Government of Australia had hosted the second of three planned workshops on strengthening the treaty body system, under the theme "Towards Best Practice". The workshop had brought together a cross-regional group of 25 countries and participants from the treaty bodies and Committee Secretariats. The reporting process was one area for improvement to which States could contribute directly. Non-reporting, overdue and poor quality reporting were consistent problems. States should aim to submit shorter, more focused reports in a timely manner and to keep their core documents up to date. As a contribution to the overall process of streamlining the reporting process, Australia and New Zealand were providing funding for an OHCHR study to identify elements of best practice in treaty body reporting, for the future guidance of the committees, States and Secretariat. Small developing states often had difficulties in fulfilling their reporting obligations, due to lack of resources, and the treaty bodies had underlined the important role of technical assistance in that connection. New Zealand, in conjunction with the Division for the Advancement of Women, had held a workshop in 2001 for Pacific island countries to provide capacity-building assistance to help them in meeting their reporting obligations under the Convention on the Elimination of All Forms of Discrimination against Women and to encourage ratification of the Convention. The Government of Canada was also sponsoring an international internship programme under which Canadian university students received training that enabled them to provide assistance to developing countries in the drafting of their reports on a variety of human rights conventions.

18. Human rights were a core function of the United Nations, and the treaty bodies were a critical element. The Australian delegation supported calls for increased funding of the Office of the High Commissioner for Human Rights from the United Nations regular budget, and called upon the High Commissioner to ensure that his Office recognized the core function of the treaty bodies by ensuring that those bodies had the resources they required to operate effectively. It was incumbent upon all stakeholders—States, the United Nations, particularly the Office of the High Commissioner for Human Rights, and the treaty bodies themselves—to play their parts in ensuring that the system functioned effectively. Australia, Canada, Chile, Norway and New Zealand were committed to efforts to improve the ability of the treaty bodies to carry out their mandates and enhance the capacity of States parties to meet their obligations.

Agenda item 109: Human rights questions (*continued*)

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (*continued*)

19. **Mr. Percaya** (Indonesia) said that the President of Indonesia, Megawati Soekarnoputri, regarded human rights as a priority issue in the country's transition to democracy, with particular emphasis on the implementation of the 1993 Vienna Declaration and Programme of Action. On the basis of the Declaration, Indonesia had adopted its first National Plan of Action

on Human Rights for the period 1998-2003, and was currently drafting a second five-year plan for the period 2003-2008. The first Plan set deadlines for achieving specific objectives in four areas: ratification of international human rights instruments, human rights education, implementation of priority issues on human rights, and implementation of human rights instruments at the national level. During the implementation of the Plan of Action, Indonesia had begun preparations for becoming a party to the core international human rights instruments, and was currently adapting its legislation to bring it into line with those instruments, or enacting new legislation where necessary. The Government was preparing to ratify other instruments as well, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, which the Vienna Conference had deemed particularly important for promoting the cause of human rights throughout the world. The National Plan of Action included the promulgation of national laws such as Law No. 39 of 1999 on Human Rights, under which the National Commission of Human Rights had been made competent to summon witnesses and adduce evidence in cases of alleged violations, including cases involving senior civil servants. In addition, under Law No. 26 of 2000, Human Rights Courts had been established to hear human rights cases and punish those found guilty of violations.

20. The past five years had been a decisive period in Indonesia's history: Indonesian society had been undergoing far-reaching changes during the country's transition to democracy while enduring a serious economic crisis. Even in so short a period, however, and despite unfavourable circumstances, the State had made substantial progress in establishing institutions which other countries had taken decades or even centuries to develop. It was, however, up to each individual country to set its human rights priorities in accordance with its interests, culture, customs and resources. Nascent democracies were in need of moral, technical and financial support from the established democracies, but the face of democracy should reflect the image of the nation concerned.

21. In the Vienna Declaration, all nations were urged to undertake measures to the maximum extent of their available resources, with the support of international co-operation, to achieve the goals in the World Summit Plan of Action. Like most developing countries, Indonesia had little in the way of resources and was short of skilled personnel in the area of human rights, especially with respect to the drafting of legislation, the investigation of violations and bringing accused persons to trial. The international community should help the developing countries enhance their national capacities and upgrade their institutions with a view to achieving the goals of the Vienna Declaration and Programme of Action.

The meeting rose at 3.55 p.m.